IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

S.B. CIVIL SECOND APPEAL NO.396/07

Ramesh Chand **Versus** Chairman, JVVNL & Ors.

DATE OF ORDER :: 16/07/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Jitendra Pandey, for appellant
Mr. G.S. Rathore, for respondents

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This is plaintiff' second appeal. The suit and the appeal preferred by him were dismissed on the ground that Civil Court has no jurisdiction to entertain such disputes.

Plaintiff-appellant filed a suit against the demand raised by defendants-respondents. Pursuant to notice dated 6th January, 1999 initially a demand for Rs.24,930/- was raised, but later on, reduced to Rs.13,500/-. It was alleged by defendants in their written statement that on inspection by vigilance of industrial unit, there was an excess load of 20 K.W. and fittings were not in order. Plaintiff has basically alleged that the connected load was 5 K.W. and it never exceeded to 3 K.W. at any time. As such, the demand which has been raised on the basis of vigilance report is not legally sustainable. The objection was raised by defendants that there is settlement committee which is duly constituted for redressal of disputes of such like nature and

in view of judgment of Apex Court reported in 1997 (5) SCC-120, the suit is not maintainable.

Both the courts below upheld their objection and dismissed the suit after going through the judgment of apex court, this court also finds that such disputes could not have been assailed before Civil Court and no error has been committed by both the courts below in rejecting the suit as not maintainable.

At this stage, counsel submits that he may now be permitted to submit application before settlement committee. He may submit application, if so advised. If such application is submitted, the settlement committee may decide the same in accordance with law.

Consequently, the appeal fails and is hereby dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.